

CHAPTER 10

PRIVACY ACT ENFORCEMENT ACTIONS

A. ADMINISTRATIVE REMEDIES

Any individual who feels he or she has a legitimate complaint or grievance against the Department of Defense or any DoD employee concerning any right granted by this Regulation shall be permitted to seek relief through appropriate administrative channels.

B. CIVIL ACTIONS

An individual may file a civil suit against a DoD Component or its employees if the individual feels certain provision; of the Act have been violated (see 5 U.S.C. 552a(g), reference (b)).

C. CIVIL REMEDIES

In addition to specific remedial actions, reference (b) provides for the payment of damages, court cost, and attorney fees in some cases.

D. CRIMINAL PENALTIES

1. The act also provides for criminal penalties (see 5 U.S.C. 552a(1) (reference (b))). Any official or employee may be found guilty of a misdemeanor and fined not more than \$5,000 if he or she willfully:

a. Discloses personal information to anyone not entitled to receive the information (see Chapter 4); or

b. Maintains a system of records without publishing the required public notice in the Federal Register (see Chapter 6).

2. A person who requests or obtains access to any record concerning another individual under false pretenses may be found guilty of misdemeanor and fined up to \$5,000.

E. LITIGATION STATUS SHEET

Whenever a complaint citing the Privacy Act is filed in a U.S. District Court against the Department of Defense, a DoD Component, or any DoD employee, the responsible system manager shall notify promptly the Defense Privacy Office. The litigation status sheet at Appendix H provides a standard format for this notification. The initial litigation status sheet forwarded shall, as a minimum, provide the information required by items 1 through 6. A revised litigation status sheet shall be provided at each stage of the litigation. When a court renders a formal opinion or judgment, copies of the judgment and opinion shall be provided to the Defense Privacy Office with the litigation status sheet reporting that judgment or opinion.